

EBR 5/19/93
NB 3/15/93
Rec 5/19/93

By: Gov. Leedom

S.J.R. No. 19

SENATE
A JOINT RESOLUTION

proposing a constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article VIII, Section 13, of the Texas Constitution is amended to read as follows:

Sec. 13. (a) Provision shall be made by the [first] Legislature for the [speedy] sale~~[7-without-the-necessity-of-a-suit in--Court7]~~ of a sufficient portion of all lands and other property for the taxes due thereon ~~that[7-and-every-year-thereafter-for--the sale--in-like-manner-of-all-lands-and-other-property-upon-which-the taxes]~~ have not been timely paid.

H.A. # 10
11

(b) The~~[7-and-the]~~ deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject only to redemption as provided by this section or impeachment ~~[be-impeached only]~~ for actual fraud.

(c) The~~[7-provided7-that-the]~~ former owner of a residence homestead sold for unpaid taxes and the former owner of land designated for agricultural use sold for unpaid taxes shall within two years from date of the filing for record of the Purchaser's Deed have the right to redeem the property ~~[land]~~ on the following basis:

(1) Within the first year of the redemption period, upon the payment of the amount of money paid for the property

3-9-93
3-15-93
5-19-93

1 ~~land~~], including the [One-(\$1-00)-Dollar] Tax Deed Recording Fee
2 and all taxes, penalties, interest, and costs paid plus an amount
3 not exceeding 25 [twenty-five--(25%)] percent of the aggregate
4 total; and

5 (2) Within the last year of the redemption period,
6 upon the payment of the amount of money paid for the property
7 ~~land~~], including the [One-(\$1-00)-Dollar] Tax Deed Recording Fee
8 and all taxes, penalties, interest, and costs paid plus an amount
9 not exceeding 50 [fifty-(50%)] percent of the aggregate total.

10 (d) If the property is sold pursuant to a suit to enforce
11 the collection of the unpaid taxes, the Legislature may limit the
12 application of Subsection (c) of this section to property used as a
13 residence homestead when the suit was filed and to land designated
14 for agricultural use when the suit was filed.

15 (e) The former owner of real property not covered by
16 Subsection (c) of this section sold for unpaid taxes shall within
17 six months from the date of filing for record of the Purchaser's
18 Deed have the right to redeem the property upon the payment of the
19 amount of money paid for the property, including the Tax Deed
20 Recording Fee and all taxes, penalties, interest, and costs paid
21 plus an amount not exceeding 25 percent of the aggregate total.

22 SECTION 2. The following temporary provision is added to the
23 Texas Constitution:

24 TEMPORARY PROVISION. (a) This temporary provision applies
25 to the constitutional amendment proposed by S.J.R. No. 19, 73rd
26 Legislature, Regular Session, 1993, and expires January 1, 1997.

27 (b) The amendment to Article VIII, Section 13, of this

1 constitution takes effect January 1, 1994.

2 (c) The amendment applies to redemption of real property
3 sold at a tax sale for which the purchaser's deed is filed for
4 record on or after the effective date of this amendment.
5 Redemption of real property sold at a tax sale for which the
6 purchaser's deed is filed for record before the effective date of
7 this amendment is covered by the former law, and the former law is
8 continued in effect for this purpose.

9 SECTION 3. This proposed constitutional amendment shall be
10 submitted to the voters at an election to be held November 2, 1993.
11 The ballot shall be printed to provide for voting for or against
12 the proposition: "The constitutional amendment to modify the
13 provisions for the redemption of real property sold at a tax sale."

By: Ellis, Leedom S.J.R. No. 19
(In the Senate - Filed February 15, 1993; February 16, 1993,
read first time and referred to Committee on Jurisprudence;
March 9, 1993, reported favorably by the following vote: Yeas 6,
Nays 0; March 9, 1993, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Henderson	x			
Harris of Tarrant	x			
Brown	x			
Harris of Dallas	x			
Luna	x			
Parker				x
West	x			

SENATE JOINT RESOLUTION

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the redemption of real property sold at a tax sale.

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for the taxes due thereon ~~that~~~~and every year thereafter for the~~
~~sale in like manner of all lands and other property upon which the~~
taxes] have not been timely paid.

(b) ~~The~~~~and the~~ deed of conveyance to the purchaser for
all lands and other property thus sold shall be held to vest a good
and perfect title in the purchaser thereof, subject only to
redemption as provided by this section or impeachment ~~be impeached~~
~~only~~ for actual fraud.

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upon the payment of the amount of money paid for the property
~~land~~, including the ~~One (\$1.00) Dollar~~ Tax Deed Recording Fee
and all taxes, penalties, interest, and costs paid plus an amount
not exceeding 25 ~~twenty-five~~~~(25%)~~ percent of the aggregate
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plus an amount not exceeding 25 percent of the aggregate total.

SECTION 2. The following temporary provision is added to the
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TEMPORARY PROVISION. (a) This temporary provision applies
to the constitutional amendment proposed by J.R. No. 73rd
Legislature, Regular Session, 1993, and expires January 1, 1997.

(b) The amendment to Article VIII, Section 13, of this

constitution takes effect January 1, 1994.

(c) The amendment applies to redemption of real property sold at a tax sale for which the purchaser's deed is filed for record on or after the effective date of this amendment. Redemption of real property sold at a tax sale for which the purchaser's deed is filed for record before the effective date of this amendment is covered by the former law, and the former law is continued in effect for this purpose.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale."

* * * * *

Austin, Texas
March 9, 1993

Hon. Bob Bullock
President of the Senate

Sir:

We, your Committee on Jurisprudence to which was referred S.J.R. No. 19, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Henderson, Chairman

* * * * *

WITNESSES

	FOR	AGAINST	ON
Name: Janis Evarhart	x		
Representing: City of Dallas			
City: Dallas			
Name: Larry Casto	x		
Representing: City of Dallas			
City: Dallas			
Name: Susan Horton	x		
Representing: Tx Municipal League			
City: Austin			
Name: Jim Box	x		
Representing: Mischer Corp-GHBA			
City: Houston			
Name: Natasha Harmon	x		
Representing: Tx Community Development Asso			
City: Austin			
Name: Karla Taylor	x		
Representing: Houston			
City: City of Houston			
Name: Joan Douglas	x		
Representing: City of Houston			
City: Houston			

**FAVORABLE
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 19
By Ellis
(Author/Senate Sponsor)
3-9-93
(date)

We, your Committee on JURISPRUDENCE, to which was referred the attached measure,
have on 3-9-93, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.
- A fiscal note was requested. ☐ yes ☐ no
A revised fiscal note was requested. ☐ yes ☐ no
An actuarial analysis was requested. ☐ yes ☐ no
Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Don Henderson, Chair	<input checked="" type="checkbox"/>			
Senator Chris Harris, Vice-Chair	<input checked="" type="checkbox"/>			
Senator J. E. "Buster" Brown	<input checked="" type="checkbox"/>			
Senator O. H. "Ike" Harris	<input checked="" type="checkbox"/>			
Senator Greg Luna	<input checked="" type="checkbox"/>			
Senator Carl Parker			<input checked="" type="checkbox"/>	
Senator Royce West	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>6</u>		<u>1</u>	

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Becky Gregg
COMMITTEE CLERK

Don Henderson
CHAIRMAN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

February 22, 1993

TO: Honorable Don Henderson, Chair
Committee on Jurisprudence
Senate Chamber
Austin, Texas

IN RE: Senate Joint Resolution No. 19
By: Ellis

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 19 (proposing a constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated other than the cost of publication.

The cost of publication of the resolution to the State is \$60,000.

Source: Comptroller of Public Accounts;
LBB Staff: JO, JWH, EC, WJR, LC

March 15 1943 Engrossed

Ratsy Daw
Engrossing Clerk

1993 MAR 17 PM 3:58

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct
copy of SJR 19, which was
received from the Senate on 3.16.93, and
referred to the Committee on ways & means
Betty Murray
Chief Clerk of the House

By: Ellis, Leedom
(Eckels)

S.J.R. No. 19

SENATE JOINT RESOLUTION

1 proposing a constitutional amendment to modify the provisions for
2 the redemption of real property sold at a tax sale.

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8 ~~in court~~] of a sufficient portion of all lands and other property
9 for the taxes due thereon that[~~and every year thereafter for the~~
10 ~~sale in like manner of all lands and other property upon which the~~
11 ~~taxes~~] have not been timely paid.

12 (b) The[~~and the~~] deed of conveyance to the purchaser for
13 all lands and other property thus sold shall be held to vest a good
14 and perfect title in the purchaser thereof, subject only to
15 redemption as provided by this section or impeachment [~~be impeached~~
16 ~~only~~] for actual fraud.

17 (c) The[~~provided that the~~] former owner of a residence
18 homestead sold for unpaid taxes and the former owner of land
19 designated for agricultural use sold for unpaid taxes shall within
20 two years from date of the filing for record of the Purchaser's
21 Deed have the right to redeem the property [~~land~~] on the following
22 basis:

23 (1) Within the first year of the redemption period,
24 upon the payment of the amount of money paid for the property

[land], including the ~~[One-(\$1.00)-Dollar]~~ Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 25 ~~[twenty-five--(25%)]~~ percent of the aggregate total; and

(2) Within the last year of the redemption period, upon the payment of the amount of money paid for the property [land], including the ~~[One-(\$1.00)-Dollar]~~ Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 50 ~~[fifty-(50%)]~~ percent of the aggregate total.

(d) If the property is sold pursuant to a suit to enforce the collection of the unpaid taxes, the Legislature may limit the application of Subsection (c) of this section to property used as a residence homestead when the suit was filed and to land designated for agricultural use when the suit was filed.

(e) The former owner of real property not covered by Subsection (c) of this section sold for unpaid taxes shall within six months from the date of filing for record of the Purchaser's Deed have the right to redeem the property upon the payment of the amount of money paid for the property, including the Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 25 percent of the aggregate total.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by J.R. No. , 73rd

1 Legislature, Regular Session, 1993, and expires January 1, 1997.

2 (b) The amendment to Article VIII, Section 13, of this
3 constitution takes effect January 1, 1994.

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5 sold at a tax sale for which the purchaser's deed is filed for
6 record on or after the effective date of this amendment.
7 Redemption of real property sold at a tax sale for which the
8 purchaser's deed is filed for record before the effective date of
9 this amendment is covered by the former law, and the former law is
10 continued in effect for this purpose.

11 SECTION 3. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 2, 1993.
13 The ballot shall be printed to provide for voting for or against
14 the proposition: "The constitutional amendment to modify the
15 provisions for the redemption of real property sold at a tax sale."

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

February 22, 1993

TO: Honorable Don Henderson, Chair
Committee on Jurisprudence
Senate Chamber
Austin, Texas

IN RE: Senate Joint Resolution No. 19
By: Ellis

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No fiscal implication to the State or units of local government is anticipated other than the cost of publication.

The cost of publication of the resolution to the State is \$60,000.

Source: Comptroller of Public Accounts;
LBB Staff: JO, JWH, EC, WJR, LC

HOUSE COMMITTEE REPORT

1st Printing

93 APR -8 AM 8:41
HOUSE OF REPRESENTATIVES

By: Ellis, Leedom
(Eckels)

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(b) The[~~and the~~] deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject only to redemption as provided by this section or impeachment [~~be impeached only~~] for actual fraud.

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(1) Within the first year of the redemption period, upon the payment of the amount of money paid for the property

[land], including the [~~One-(\$1.00)-Dollar~~] Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 25 [~~twenty-five--(25%)~~] percent of the aggregate total; and

(2) Within the last year of the redemption period, upon the payment of the amount of money paid for the property [land], including the [~~One-(\$1.00)-Dollar~~] Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 50 [~~fifty-(50%)~~] percent of the aggregate total.

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12 submitted to the voters at an election to be held November 2, 1993.
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14 the proposition: "The constitutional amendment to modify the
15 provisions for the redemption of real property sold at a tax sale."

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

4-5-93
(date)

Sir:

We, your COMMITTEE ON WAYS AND MEANS
to whom was referred SJR 19 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

(X) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no An author's fiscal statement was requested. () yes (X) no

A criminal justice policy impact statement was requested. () yes (X) no

An equalized educational funding impact statement was requested. () yes (X) no

An actuarial impact statement was requested. () yes (X) no

A water development policy impact statement was requested. () yes (X) no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure Eckels

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Craddick, Ch.	X			
Alexander, V.C.				X
Berlanga				X
Haggerty	X			
Heflin	X			
Horn	X			
Moreno	X			
Oliveira	X			
Uher		X		
Williamson				X
Wolens				X

Total

<u>10</u>	aye
<u>1</u>	nay
<u>0</u>	present, not voting
<u>4</u>	absent

[Signature]
CHAIRMAN

BILL ANALYSIS

BACKGROUND INFORMATION

Article VIII, Texas Constitution, provides for taxation and revenue. Article VIII, Section 13, Texas Constitution, imposes the sales of lands and other property for taxes as well as the redemption thereof, and currently prescribes a full two-year period for the right of redemption with regard to any type of real property, residential, commercial, or other. The right of redemption comes into being after the occurrence of several events: a taxing authority takes a judgement in a delinquent tax suit; the court orders the property to be sold in order to foreclose on the government's lien; the purchaser at the subsequent tax sale takes good and perfect title to the property, subject only to the former owner's right of redemption; and the purchaser's deed is filed for record. This last event commences the running of the two-year period during which the former owner is allowed to come forward to reclaim his property. This is accomplished by tendering to the purchaser the amount the purchaser paid at the tax sale, a \$1.00 Tax Deed Recording Fee, and a penalty of 25% if the attempt to exercise the right of redemption is made within the first year of the prescribed period, or a penalty of 50% if the attempt is made within the second year. If no one bids upon a piece of property then the taxing unit becomes the legal owner of the property, holding it in trust for all taxing units that participated in the suit, subject only to the former owner's right of redemption.

PURPOSE

This joint resolution proposes to reduce the redemption period for all real property, except for residence homesteads and land designated for agricultural use, from two years to six months.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII, Section 13, Texas Constitution, to provide the following: authorizes the Legislature to provide for the sale of property for which taxes are due and have not been timely paid; deletes the figure of \$1.00 as the designated fee for a Tax Deed Recording Fee; and authorizes the Legislature to limit the applicability of the two-year redemption period to residence homesteads and land designated for agricultural use, making all other property subject to a six-month redemption period.

SECTION 2. Temporary provision providing for an effective date of January 1, 1994, and specifying that real property sold at a tax sale for which the purchaser's deed is filed for record on or after the effective date of this amendment will be covered by the proposed law. Redemption of real property sold at a tax sale for which the purchaser's deed is filed for record before the effective date of the amendment is covered by the former law, and the former law is continued in effect for this purpose.

SECTION 3. Election date: November 2, 1993; the ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale."

RULEMAKING AUTHORITY

It is the committee's opinion that this joint resolution does not delegate any new rulemaking authority to any state officer, agency, department, or institution.

SUMMARY OF COMMITTEE ACTION

Public notice was posted in accordance to the rules and a public hearing was held on April 5, 1993. Representative Eckels explained the bill. Joan Douglas testified in favor of the bill. The committee received no public testimony either on or against the bill. By a record vote of 6 ayes, 1 nay, 0 present not voting, and 4 absent, the committee voted to report S.J.R. 19 to the House without amendment with the recommendation that it do pass.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 19, 1993

TO: Honorable Tom Craddick, Chair
Committee on Ways and Means
House of Representatives
Austin, Texas

IN RE: Senate Joint Resolution
No. 19, as engrossed
By: Ellis

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 19, as engrossed (proposing a constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated other than the cost of publication.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, OC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

February 22, 1993

TO: Honorable Don Henderson, Chair
Committee on Jurisprudence
Senate Chamber
Austin, Texas

IN RE: Senate Joint Resolution No. 19
By: Ellis

FROM: Jim Oliver, Director

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Source: Comptroller of Public Accounts;
LBB Staff: JO, JWH, EC, WJR, LC

Amendment No. ①

By Eckels

ABE
5/19/93
Dee
5/19/93

Amend S.J.R. 19 to read as follows:

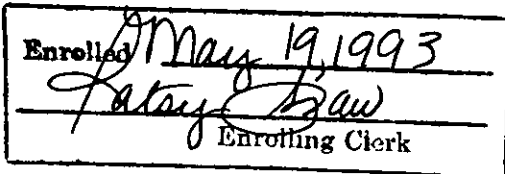
- (1) On line 11, after the word "been", strike the word "timely".

ADOPTED

MAY 17 1993

Betty M. M... ..
Chief Clerk
House of Representatives

House Am. #1
5-19-93



S.J.R. No. 19

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6 record on or after the effective date of this amendment.
7 Redemption of real property sold at a tax sale for which the
8 purchaser's deed is filed for record before the effective date of
9 this amendment is covered by the former law, and the former law is
10 continued in effect for this purpose.

11 SECTION 3. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 2, 1993.
13 The ballot shall be printed to provide for voting for or against
14 the proposition: "The constitutional amendment to modify the
15 provisions for the redemption of real property sold at a tax sale."

S.J.R. No. 19

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 19 was adopted by the Senate on March 15, 1993, by the following vote: Yeas 28, Nays 2; and that the Senate concurred in House amendment on May 19, 1993, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 19 was adopted, with amendment, by the House on May 17, 1993, by the following vote: Yeas 118, Nays 10, two present not voting.

Chief Clerk of the House

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 19, 1993

TO: Honorable Tom Craddick, Chair
Committee on Ways and Means
House of Representatives
Austin, Texas

IN RE: Senate Joint Resolution
No. 19, as engrossed
By: Ellis

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 19, as engrossed (proposing a constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated other than the cost of publication.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, DF, OC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

February 22, 1993

TO: Honorable Don Henderson, Chair
Committee on Jurisprudence
Senate Chamber
Austin, Texas

IN RE: Senate Joint Resolution No. 19
By: Ellis

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 19 (proposing a constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated other than the cost of publication.

The cost of publication of the resolution to the State is \$60,000.

Source: Comptroller of Public Accounts;
LBB Staff: JO, JWH, EC, WJR, LC

Bel

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 19 was adopted by the Senate on March 15, 1993, by the following vote: Yeas 28, Nays 2; and That the Senate concurred in House amendment on May 19, 1993, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 19 was adopted ^{, with amendment,} by the House on May 17, 1993, by the following vote: Yeas 118, Nays 10, two present not voting.

Chief Clerk of the House

BILL ANALYSIS

Senate Research Center

S.J.R. 19
By: Ellis
Jurisprudence
3-5-93
As Filed

BACKGROUND

Current law prescribes a two-year period for the right of redemption with regard to any type of real property, residential, commercial, or other. This "right of redemption" comes into being after the occurrence of several events: a taxing authority makes a judgment on a delinquent tax suit; the court orders the property to be sold in order to foreclose on the government's lien; the purchaser at the subsequent tax sale takes good and perfect title to the property, subject to the former owner's "right of redemption"; and the purchaser's deed is filed for record. This last event commences the running of the two-year period during which the former owner is allowed to come forward to reclaim property. The former owner can only accomplish this, however, by tendering to the purchaser the amount the purchaser paid at the tax sale, plus a penalty of 25 percent if the attempt to exercise the right of redemption is made within the first year of the prescribed period, or a penalty of 50 percent if the attempt is made in the second year.

If no one bids on a piece of property at the tax foreclosure sale, the officer conducting the sale conveys the property to the particular taxing unit which had acted as the plaintiff in the delinquent tax suit. That taxing unit then becomes the legal owner of the property, holding it in trust for all taxing units that participated in the suit, subject only to the former owner's right of redemption.

PURPOSE

As proposed, S.J.R. 19 requires the submission to the voters of a constitutional amendment to reduce the redemption period from two years to six months on all property, except for residence homesteads and land designated for agricultural use.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII, Section 13, Texas Constitution, as follows:

Sec. 13. (a) Requires the legislature to provide for sale of a sufficient portion of all lands and other property for the taxes due thereon that have not been timely paid.

(b) Requires the deed of conveyance to the purchaser for all lands and other property thus sold to be held to vest a good and perfect title in the purchaser thereof, subject only to redemption as provided by this section or impeachment for actual fraud.

(c) Requires the former owner of a residence homestead sold for unpaid taxes and the former owner of land designated for agricultural use sold for unpaid taxes within two years from the date of filing for record of the Purchaser's Deed to have the right to redeem the property if certain conditions are met. Makes conforming changes.

(d) Authorizes the legislature, if the property is sold pursuant to a suit to enforce the collection of unpaid taxes, to limit the application of Subsection (c) of this section to property used as a residence homestead when the suit was filed and to land designated for agricultural use when the suit was filed.

(e) Requires the former owner of real property not covered by Subsection (c) sold for unpaid taxes within six months from the date of filing for record of the Purchaser's Deed to have the right to redeem property upon the payment of the amount of money paid for the property, including the Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 25 percent of the aggregate total.

SECTION 2. Adds the following temporary provision to the Texas Constitution:

TEMPORARY PROVISION. (a) Makes this temporary provision applicable to the constitutional amendment proposed by _J.R. ___, 73rd Legislature, Regular Session, 1993, and expires January 1, 1993.

(b) Provides that the amendment to Article VIII, Section 13, Texas Constitution, takes effect January 1, 1994.

(c) Makes application of this amendment prospective.

SECTION 3. Requires this proposed constitutional amendment to be submitted to the voters on November 2, 1993. Sets forth the required language for the ballot.

BILL ANALYSIS

Senate Research Center

S.J.R. 19
By: Ellis
Jurisprudence
6-25-93
Enrolled

BACKGROUND

Current law prescribes a two-year period for the right of redemption with regard to any type of real property, residential, commercial, or other. This "right of redemption" comes into being after the occurrence of several events: a taxing authority makes a judgment on a delinquent tax suit; the court orders the property to be sold in order to foreclose on the government's lien; the purchaser at the subsequent tax sale takes good and perfect title to the property, subject to the former owner's "right of redemption"; and the purchaser's deed is filed for record. This last event commences the running of the two-year period during which the former owner is allowed to come forward to reclaim property. The former owner can only accomplish this, however, by tendering to the purchaser the amount the purchaser paid at the tax sale, plus a penalty of 25 percent if the attempt to exercise the right of redemption is made within the first year of the prescribed period, or a penalty of 50 percent if the attempt is made in the second year.

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As enrolled, S.J.R. 19 requires the submission to the voters of a constitutional amendment to reduce the redemption period from two years to six months on all property, except for residence homesteads and land designated for agricultural use.

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(b) Requires the deed of conveyance to the purchaser for all lands and other property thus sold to be held to vest a good and perfect title in the purchaser thereof, subject only to redemption as provided by this section or impeachment for actual fraud.

(c) Requires the former owner of a residence homestead sold for unpaid taxes and the former owner of land designated for agricultural use sold for unpaid taxes within two years from the date of filing for record of the Purchaser's Deed to have the right to redeem the property if certain conditions are met. Makes conforming changes.

(d) Authorizes the legislature, if the property is sold pursuant to a suit to enforce the collection of unpaid taxes, to limit the application of Subsection (c) of this section to property used as a residence homestead when the suit was filed and to land designated for agricultural use when the suit was filed.

(e) Requires the former owner of real property not covered by Subsection (c) sold for unpaid taxes within six months from the date of filing for record of the Purchaser's Deed to have the right to redeem property upon the payment of the amount of money paid for the property, including the Tax Deed Recording Fee and all taxes, penalties, interest, and costs paid plus an amount not exceeding 25 percent of the aggregate total.

SECTION 2. Adds the following temporary provision to the Texas Constitution:

TEMPORARY PROVISION. (a) Makes this temporary provision applicable to the constitutional amendment proposed by S.J.R. 19, 73rd Legislature, Regular Session, 1993, and expires January 1, 1993.

(b) Provides that the amendment to Article VIII, Section 13, Texas Constitution, takes effect January 1, 1994.

(c) Makes application of this amendment prospective.

SECTION 3. Requires this proposed constitutional amendment to be submitted to the voters on November 2, 1993. Sets forth the required language for the ballot.

S.J.R. No.

19

By

Ellen

SENATE JOINT RESOLUTION

proposing a constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale.

2-15-93

Filed with the Secretary of the Senate

FEB 16 1993

Read and referred to Committee on JURISPRUDENCE

3-9-93

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

MAR 15 1993

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

28 yeas, 2 nays

MAR 15 1993

Read second time, , and ordered engrossed by:

unanimous consent
a viva voce vote

yeas, nays

~~MAR 15 1993~~

Caption ordered amended to conform to the body of the bill.

MAR 15 1993

Senate and Constitutional 3 Day Rule suspended by a vote of 28 yeas, 2 nays.

MAR 15 1993

Read third time, , and passed by: 28 yeas, 2 nays

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

MAY 6 1993

Motion to postpone further consideration
of SJR No. 19 until Wed
May 12 at 10 AM
prevailed by a non-record vote,

Mar. 15, 1993
March 16, 1993

Engrossed
Sent to House

MAY 5 1993

Motion to postpone further consideration
of SJR No. 19 until Thurs
May 6 at 10 AM
prevailed by a non-record vote.

Engrossing Clerk

MAR 16 1993

Received from the Senate

MAR 17 1993

Read first time and referred to Committee on

APR 05 1993

Reported favorably amended, sent to Printer

APR 8 1993

Printed and Distributed 8:41 AM

APR 8 1993

Sent to Committee on Calendars 10:17 AM

MAY 17 1993

Read Second time (amended) and finally adopted
failed adoption by Record Vote of 118 yeas, 10 nays 2 present not voting.

Read third time (amended) and finally adopted
failed adoption by Record Vote of yeas, nays present not voting.

MAY 17 1993

Caption ordered amended to conform to body of bill.

MAY 17 1993

Returned to Senate.

Betty Murray

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

MAY 17 1993

Returned from House with 1 amendments.

MAY 19 1993

Concurred in House amendments by a viva voce vote 31 yeas, 0 nays.

MAY 12 1993

Motion to postpone further consideration
of SJR No. 19 until Mon
May 17 at 10 AM
prevailed by a non-record vote.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

93 APR -8 AM 8:41
HOUSE OF REPRESENTATIVES